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**FIRE AND EMERGENCY SERVICES**

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FE301\*

Bush Fires Act 1954

**Bush Fires Amendment Regulations 2004**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Bush Fires Amendment Regulations 2004*.

**2. The regulations amended**

The amendments in these regulations are to the *Bush Fires Regulations 1954\**.

[\* Reprinted as at 9 February 2001.

For amendments to 13 December 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 38-9.*]

**3. Regulation 40 inserted**

Part VIII is amended by inserting before regulation 41 the following regulation —

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**40. Apportionment of amounts under section 37 of the Act**

- (1) In this regulation —  
“**volunteer fire fighter**” has the same meaning as in section 35A of the Act.
- (2) The amounts referred to in section 37(8a) of the Act are to be apportioned between the persons entitled to those amounts as follows —
  - (a) if, immediately before the death of the volunteer fire fighter, each of those persons were dependant on the fire fighter, the amounts are to be apportioned in accordance with Schedule I to the *Workers' Compensation and Rehabilitation Act 1981*;
  - (b) if, immediately before the death of the volunteer fire fighter, none of those persons

- were dependant on the volunteer fire fighter, the amounts are to be apportioned in equal shares or if there is only one such person, that person is to receive all of the amounts; or
- (c) if, immediately before the death of the volunteer fire fighter, at least one of those persons was dependant on the volunteer fire fighter and at least one of those persons was not, then —
- (i) a person who was not so dependant is entitled to 10% of the amounts and if there is more than one such person, those persons are entitled to 10% of the amounts apportioned between them in equal shares; and
  - (ii) the person, or persons, who were so dependant are entitled to the rest of the amounts apportioned between them, if there is more than one person, in accordance with Schedule 1 to the *Workers' Compensation and Rehabilitation Act 1981*.

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.